



Setti D. Warren  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	February 9, 2010
Land Use Action Date:	April 20, 2010
Board of Aldermen Action Date:	May 3, 2010
90-Day Expiration Date:	May 10, 2010

DATE: February 5, 2010

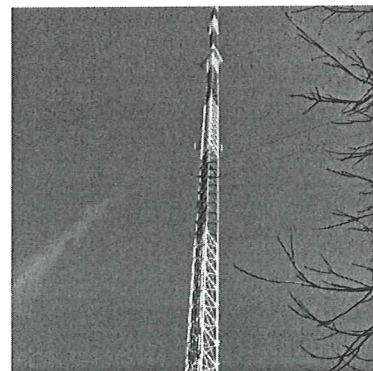
TO: Board of Aldermen

FROM: Candace Havens, Acting Director of Planning and Development  
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: #08-10 CLEAR WIRELESS, LLC/AMERICAN TOWER petition to add a wireless antenna installation to an existing tower consisting of 3 panel antennae at the height of 115 feet and 9 wireless backhaul dishes at 250 feet in height, plus an ancillary ground-level equipment cabinet at 1165 CHESTNUT STREET, Ward 5, on land known as Sec 51, Blk 45, Lot 5, containing approx 284,000 of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-18(A)(e)(3), (f) of the City of Newton Rev Zoning Ord, 2007 and board order nos. 105686, 781-73(2), 33-99(2), and 462-05.

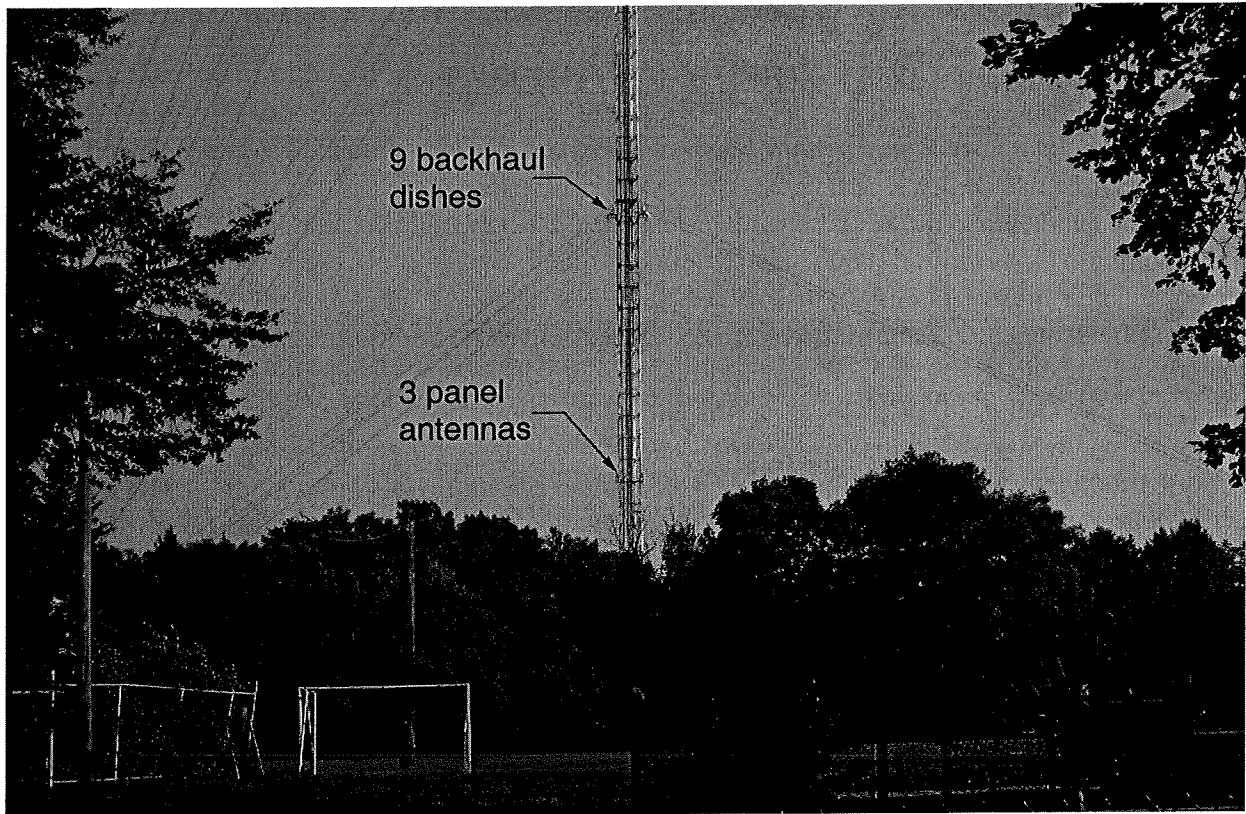
CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



### **EXECUTIVE SUMMARY**

The petitioner proposes to add three panel antennas and nine wireless backhaul dishes on an existing television tower. The three panel antennas will be located at a height of 115 feet, and the wireless backhaul dishes will be located as a height of 250 feet. The equipment cabinet serving the new antennas will be located inside the existing building that serves the towers. To comply with federal standards, the petitioner proposes to install one global positional system antenna on an existing ice bridge adjacent to the existing building. The proposed installation meets the design and operating criteria for wireless installations found in §30-18A(c). Section 30-18 encourages the co-location of wireless equipment, as proposed in this project, in order to reduce the need for additional telecommunications towers. In addition, the 2007 *Newton Comprehensive Plan* establishes the importance of maintaining the existing character of the City's neighborhood. By locating the proposed equipment on an existing television tower with existing wireless installations, the petition helps to maintain the character of the site and the surrounding neighborhood.



*Simulation of view from north of site*

I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition the Board should consider:

- whether this is an appropriate location for an additional wireless installation; and
- whether the addition of the antennas will have an impact on the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the southwest side of Chestnut Street, adjacent to the Charles River in Newton Upper Falls. It is located within a Multi Residence 1 district (*SEE ATTACHMENTS "A" AND "B"*). The neighborhood contains a mix of uses. There are commercial uses along Chestnut Street to the east and residential uses, primarily one- and two-family houses in the remainder of the neighborhood. The Upper Falls Playground is adjacent to the site to the north. The southeastern boundary is formed by an unused rail right-of-way, and the western boundary is formed by the Charles River.

B. Site

The 284,000 sq. ft. site contains a television tower with existing wireless installations. The tower was constructed in 1954 by variance through Board Order #105686. In subsequent years, the use of the tower was expanded and several additional wireless facilities were added, most recently in 2006. The site also contains a townhouse condominium complex that was constructed in 1987. The complex is located along Chestnut Street, and the television tower is located between the condominiums and the Charles River. The site slopes downwards towards the river.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site is currently used for a television tower and for wireless equipment in addition to a residential townhouse complex. The petitioner proposes to add additional equipment on the tower and to install support equipment inside the existing building that serves the tower.

B. Site Design

The application entails installing three panel antennas at a height of 115 feet on the tower and nine wireless backhaul antennas (small dishes that link the communications from this tower to other areas of the wireless network) at a height of 250 feet on the

tower. Each panel antenna will be approximately 4' in height. There are five backhaul dishes with a diameter of two feet, two dishes with a diameter of two-and-half feet, and two dishes with a diameter of one foot. While the panel antennas and dishes will be visible from adjacent properties because of their height, they will not cause a significant change in the visual impact of the existing tower. An equipment cabinet will be located inside an existing building and will not be visible from any adjacent properties. In addition, to comply with federal standards, the petitioner proposes to install one global positional system antenna on an existing horizontal ice bridge that links the tower to the roof of the adjacent building.

C. Parking and Circulation

The existing installation includes driveway access from Chestnut Street. The petitioner proposes to continue using the same access road. There will not be any personnel on-site except for approximately two vehicle trips per month for maintenance. These additional trips will not create a significant impact on Chestnut Street or on the Upper Falls neighborhood.

D. Landscape Screening and Lighting

No landscape screening is proposed because of the height of the proposed modification to the existing tower. Given the minimal visual impact of the additional antennas and dishes, no additional screening is necessary.

IV. COMPREHENSIVE PLAN

There is little discussion of wireless installations in the 2007 *Newton Comprehensive Plan*. However, the *Comprehensive Plan* says that "development is to be guided to reflect the character held or sought by existing residential neighborhoods, protecting the qualities of that which exists." By adding additional wireless antennas and dishes to an existing television tower, this proposal minimizes changes to the character of this site and minimizes potential changes to the character of other sites that could be alternatives to the proposed installation.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated December 15, 2009 provides an analysis of the proposal with regard to Section 30-18. A special permit is required to amend an existing site plan approved by board order, to add additional façade-mounted wireless equipment, and to modify an existing wireless installation. The proposed installation meets the design and operating criteria found in §30-18A(c).

B. Parking Requirements (Section 30-19). The proposed changes do not trigger any additional parking requirements.

C. Other Reviews

1. Engineering. No engineering review is necessary because the petition will not increase or modify impervious surfaces on site.
2. Fire Department. Because there are no changes to the site plan other than the addition of several antennas to the existing tower, no fire access review is necessary. Fire prevention review will occur as part of the building permit application process.

VI. ZONING RELIEFS SOUGHT

Based on the completed zoning review, dated December 15, 2009 (*SEE ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- §30-18A(e)(3), which allows the Board of Aldermen to grant a special permit for façade-mounted wireless communication equipment
- §30-18A(e)(8), which allows the Board of Aldermen to grant a special permit for modification or addition to wireless communication equipment on an existing tower
- §30-18A(f), which allows the Board of Aldermen to amend the site plan approved through Board Orders #33-99(2) and #462-05
- §30-24, which allows the Board of Aldermen to grant a special permit for building-mounted wireless communication equipment when §30-18A(a) & (c) have been satisfied
- §30-23, which allows the Board of Aldermen to grant site plan approval

VII. Summary of Petitioner's Responsibilities

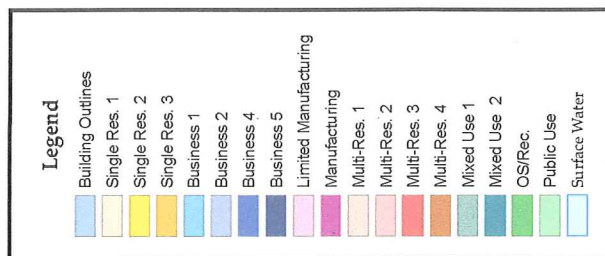
This petition is currently complete.

ATTACHMENTS

ATTACHMENT A:     *Zoning Map*  
ATTACHMENT B:     *Land Use Map*  
ATTACHMENT C:     *Zoning Review Memorandum, dated December 15, 2009*



## 1165 Chestnut St. and Vicinity

City of Newton,  
Massachusetts

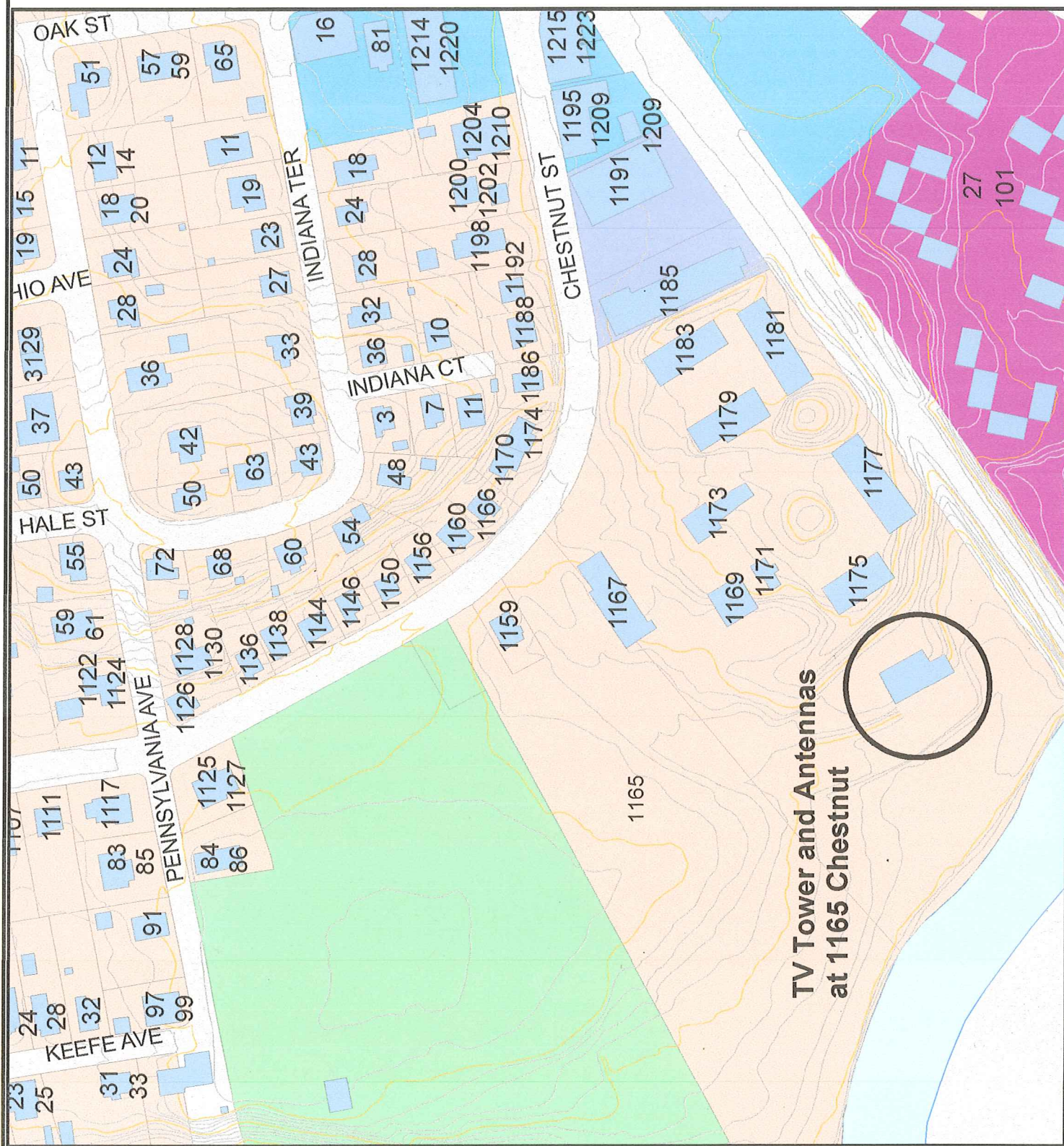
## ATTACHMENT A



The information on this Geographic Information Newton cannot guarantee information. Each user for determining its suitability. City departments approve applications

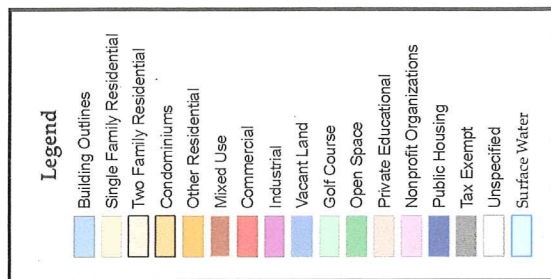


MAP DATE





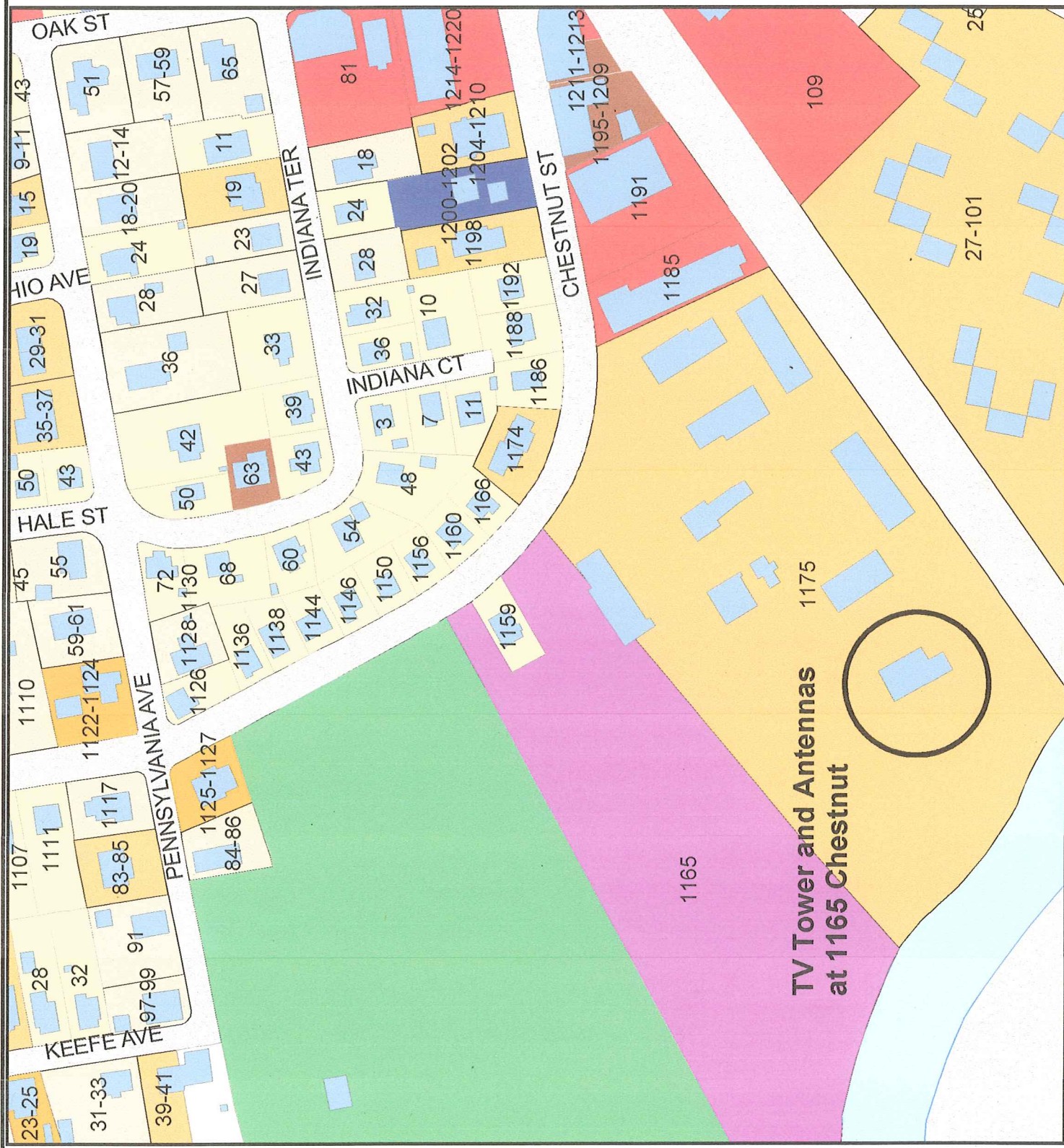
# 1165 Chestnut St. and Vicinity

City of Newton,  
Massachusetts

The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the map is responsible for determining its suitability for their intended purpose. City departments are not responsible for approving applications based on this map.



MAP DATE: Jan




## *Zoning Review Memorandum*

### *Proposed Wireless Communication Installation*

Date: December 15, 2009

To: John Lojek, Commissioner of Inspectional Services

From: Candace Havens, Chief Planner   
Benjamin Solomon-Schwartz, Senior Planner

cc: Mike Kruse, Director of Planning and Development  
Eve Tapper, Chief Zoning Code Official  
Maurya Sullivan, Telecommunications Specialist  
Ricardo Sousa, Prince Lobel Glovsky & Type LLP

Re: **Proposed installation of 3 Panel Antennas and 9 Wireless Backhaul Dishes in MR1 District**

Applicant: Videolink, Inc.		
Site: 1165 Chestnut Street	SBL: 51-45-05	Lot Area: 330,000 sq ft.
Zoning: MR-1	Proposed Use: Wireless Communications	
Current Use: Wireless Communications		

#### Type of Wireless Installation:

Three panel antennas and nine wireless backhaul dishes on an existing guyed tower in a residential district per Section 30-18A(e)(3).

#### Background:

The property consists of a single lot containing a television/radio tower and a building for the associated telecommunications equipment. A condominium townhouse development is located on an adjacent property. The existing TV tower was constructed in 1954 by variance through board order #105686. The use of the tower was expanded beyond a single TV station in 1973 via board order #781-73(2). Additional wireless facilities were added in the intervening years through board order #33-99(2) in 1999 and board order #462-05 in 2006. The applicant seeks approval pursuant to Section 30-18A(e)(3), *Wireless Communication Equipment Allowed by Special Permit* because the proposed installations are in a residential district.

#### Administrative determinations:

- ◆ Section 30-18A(e)(3) requires a special permit for façade-mounted wireless communication equipment in residential districts.
- ◆ Sections 30-18A(f) and 30-24 require site plan review.
- ◆ The applicant has submitted a copy of the application to the Director of Planning and Development for Administrative Site Plan review, per Section 30-18A(g) for compliance with Section 30-18A(c).
- ◆ 30-18A(c)(12) requires a report from a qualified professional indicating compliance with Federal and Massachusetts laws and regulations pertaining to radio frequency emissions. The petitioner shall submit such a report with the special permit application.
- ◆ See table "Zoning Relief Summary" below.



<i>Zoning Relief Summary</i>		
<i>Ordinance</i>		<i>Action Required</i>
	<b>Amendment to existing Board Orders</b>	
30-18A(f)	Amend site plan approved via Board Orders #33-99(2) and #462-05	X
	<b>Wireless Communication Installation</b>	
30-18A(e)(3)	Façade-mounted wireless communication installation	SP per §30-24
30-18A(e)(8)	Modification or addition to wireless communication equipment on an existing tower	SP per §30-24
	<b>Site</b>	
30-18A(f)	Approval of site plan per §30-23	X